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Attorneys for Defendant and Counterclaimant
CASHCALL, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TRICIA LECKLER, ON BEHALF OF
HERSELF AND ALL OTHERS SIMILARLY
SITUATED,

Plaintiffs,

v.

CASHCALL, INC.,

Defendant.

AND RELATED COUNTERCLAIMS.

CASE NO. C 07-04002 SI

**STIPULATION RESCHEDULING CLASS
CERTIFICATION MOTION HEARING
DATE AND ESTABLISHING BRIEFING
SCHEDULE**

Proposed Class Certification Motion Hearing:

Date: February 6, 2009
Time: 9:00 a.m.
Place: Courtroom 10, 19th Floor
Judge: Hon. Susan Illston

1 Plaintiff Tricia Leckler and Defendant CashCall, Inc. submit this Stipulation Rescheduling
2 Class Certification Motion Hearing Date and Establishing Briefing Schedule.

3 **RECITALS**

4 A. On May 20, 2008, the Court entered an order granting Plaintiff's motion for partial
5 summary judgment and denying Defendant's motion for partial summary judgment (the "Partial
6 Summary Judgment Order").

7 B. On June 6, 2008, Defendant filed a Motion for Certification of Order for Interlocutory
8 Appeal and for Stay of Proceedings (the "Appeal Certification Motion") with respect to the Partial
9 Summary Judgment Order.

10 C. On July 8, 2008, the Court entered an order (the "Class Certification Motion Order")
11 approving the parties' stipulation to reschedule the hearing date for Plaintiff's motion for class
12 certification and establish a new briefing schedule.

13 D. Under the Class Certification Motion Order, the hearing on Plaintiff's motion for class
14 certification was scheduled for October 24, 2008, at 9:00 a.m., and the following briefing schedule
15 was established: (1) Plaintiff's opening brief was due on or before August 25, 2008; (2) Defendant's
16 opposition brief was due on or before September 15, 2008; and (3) Plaintiff's reply brief was due on
17 or before September 29, 2008.

18 E. Also on July 8, 2008, the Court continued the hearing on the Appeal Certification
19 Motion to October 24, 2008, at 9:00 a.m.

20 F. On August 11, 2008, Defendant filed a Motion to Dismiss Pursuant to F.R.C.P.
21 12(b)(1) and to Vacate Prior Orders (the "Motion to Dismiss"), asserting that the Court lacks
22 jurisdiction over the subject matter of this action pursuant to the Hobbs Act, 28 U.S.C. § 2342, which
23 vests exclusive jurisdiction in the Courts of Appeal for actions "to enjoin, set aside, suspend (in
24 whole or in part), or to determine the validity" of final orders of the Federal Communications
25 Commission. The hearing on the Motion to Dismiss is scheduled for October 31, 2008, at 9:00 a.m.

26 G. On August 13, 2008, the Court entered an order continuing the hearing on the Appeal
27 Certification Motion to October 31, 2008, at 9:00 a.m. (the same date and time as the hearing on the
28 Motion to Dismiss), and instructing the parties to stipulate to new hearing date and briefing schedule

1 for Plaintiff's motion for class certification such that the hearing would take place after the Court's
2 ruling on the Motion to Dismiss.

3 H. At the Court's request, the parties have agreed to a new hearing date and briefing
4 schedule with respect to Plaintiff's class certification motion. Specifically, the parties have to agreed
5 to a February 6, 2009 hearing date and, based on that proposed hearing date, the following briefing
6 schedule: (1) Plaintiff shall file and serve her opening brief on or before December 19, 2008;
7 (2) Defendant shall file and serve its opposition brief on or before January 9, 2009; and (3) Plaintiff
8 shall file and serve her reply brief on or before January 23, 2009.

9 I. The schedule agreed to by the parties reflects the parties' desire to postpone
10 conducting any further class discovery, engaging in motion practice related to the parties' respective
11 discovery responses, and/or preparing their class certification briefing pending a ruling by the Court
12 on the Motion to Dismiss and the Appeal Certification Motion in order to avoid spending unnecessary
13 time and money on the class certification issue in the event that any of the Court's rulings on those
14 motions require that this case be dismissed or stayed.

15 THEREFORE, IT IS HEREBY STIPULATED BETWEEN THE PARTIES AND THEIR
16 RESPECTIVE ATTORNEYS OF RECORD THAT:

17 **STIPULATION**

18 1. The hearing date on Plaintiff's class certification motion shall be continued to from
19 October 24, 2008, at 9:00 a.m., to February 6, 2009, at 9:00 a.m.

20 2. Based upon the proposed February 6, 2009 hearing date for the class certification
21 motion hearing, the following briefing schedule on Plaintiff's class certification motion shall be
22 followed:

23 A. Plaintiff shall file and serve her opening brief on or before December 19, 2008;

24 B. Defendant shall file and serve its opposition brief on or before January 9, 2009;

25 and

26 C. Plaintiff shall file and serve her reply brief on or before January 23, 2009.

27 *[continued on next page]*

3. Deadlines, if any, for meeting and conferring about any discovery disputes and/or for filing any motions related thereto shall be extended until a date and time to be agreed upon by the parties or by further Order of the Court.

4. By entering into this Stipulation, Defendant is not waiving its rights with respect to the Motion to Dismiss or the Appeal Certification Motion.

DATED: August 22, 2008

BRAD W. SEILING
JOANNA MCCALLUM
CLAUDIA CALLAWAY
MANATT, PHELPS & PHILLIPS, LLP

JESSE S. FINLAYSON
MICHAEL R. WILLIAMS
FINLAYSON, AUGUSTINI & WILLIAMS LLP

By: /s/ Michael R. Williams
Michael R. Williams

Attorneys for Defendant and Counterclaimant
CASHCALL, INC.

DATED: August __, 2008

JOSHUA B. SWIGART
HYDE & SWIGART

DOUGLAS J. CAMPION
LAW OFFICES OF DOUGLAS J. CAMPION

By: _____
Douglas J. Campion

Attorneys for Plaintiff and Counterdefendant
TRICIA LECKLER

[Leckler - Further Stipulation Regarding Class Certification Motion Schedule](#)

1 3. Deadlines, if any, for meeting and conferring about any discovery disputes and/or for
2 filing any motions related thereto shall be extended until a date and time to be agreed upon by the
3 parties or by further Order of the Court.

4 4. By entering into this Stipulation, Defendant is not waiving its rights with respect to the
5 Motion to Dismiss or the Appeal Certification Motion.

6 DATED: August __, 2008

7 BRAD W. SEILING
8 JOANNA MCCALLUM
9 CLAUDIA CALLAWAY
10 MANATT, PHELPS & PHILLIPS, LLP

11 JESSE S. FINLAYSON
12 MICHAEL R. WILLIAMS
13 FINLAYSON, AUGUSTINI & WILLIAMS LLP

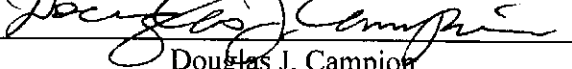
14 By: _____
Michael R. Williams

15 Attorneys for Defendant and Counterclaimant
16 CASHCALL, INC.

17 DATED: August 21, 2008

18 JOSHUA B. SWIGART
19 HYDE & SWIGART

20 DOUGLAS J. CAMPION
21 LAW OFFICES OF DOUGLAS J. CAMPION

22 By: 
Douglas J. Campion

23 Attorneys for Plaintiff and Counterdefendant
24 TRICIA LECKLER

25 Leckler - Further Stipulation Regarding Class Certification Motion Schedule
26
27
28

CERTIFICATE OF SERVICE

I, Wendy S. Mills, declare as follows:

I am employed in the County of Orange, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 110 Newport Center Drive, Suite 100, Newport Beach, California 92660, in said County and State. On **August 22, 2008**, the document(s) entitled:

STIPULATION RESCHEDULING CLASS CERTIFICATION MOTION HEARING DATE AND ESTABLISHING BRIEFING SCHEDULE

was/were served as follows:

- ☒ **CM/ECF ELECTRONIC SERVICE:** The following are registered as CM/ECF Users with the Court, and have consented to service through the Court's automatic transmission of a notice of electronic filing:

Robert L. Hyde: bob@westcoastlitigation.com, jmerkel@westcoastlitigation.com, josh@westcoastlitigation.com (*Counsel for Plaintiff*)

Joshua B. Swigart: josh@westcoastlitigation.com (*Counsel for Plaintiff*)

Brad W. Seiling bseiling@manatt.com, jmccallum@manatt.com (*Counsel for Defendant*)

and on the parties listed below by the following means of service:

Counsel for Plaintiff:
Douglas J. Campion, Esq.
LAW OFFICES OF DOUGLAS J. CAMPION
411 Camino Del Rio South, Suite 301
San Diego, CA 92108

- ☒ **BY MAIL:** I placed a true copy of the above-mentioned document(s) in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in the affidavit.
- ☐ **BY PERSONAL SERVICE:** I provided a true copy of the above-mentioned document(s) to a messenger for personal delivery to each person named above, at the address(es) shown above, before 5:00 p.m. on the above-mentioned date.
- ☐ **BY FACSIMILE:** I caused the above-mentioned document(s) to be transmitted by facsimile machine to the parties and numbers indicated above, on the above-mentioned date, pursuant to Rule 2.306. The facsimile machine I used complied with Rule 2.306 and no error was reported by the machine. Pursuant to Rule 2.306, I caused the machine to print a transmission record of the transmission, a copy of which is maintained by this office.
- ☐ **BY UPS—NEXT DAY AIR:** I placed a true copy of the above-mentioned document(s) in a sealed envelope or package designated by the United Parcel Service with delivery fees paid or provided for, addressed to the person(s) as indicated above, on the above-mentioned date, and I deposited same in a box or other facility regularly maintained by United Parcel Service or delivered same to an authorized courier or driver authorized by United Parcel Service to receive documents.

I am employed in the office of Michael R. Williams, a member of the bar of this Court, and the foregoing document(s) was/were printed on recycled paper.

- ☒ **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct.

Executed on **August 22, 2008**.

 /s/ Wendy S. Mills

Wendy S. Mills